

SALE OF THE CLERGY RESERVES

IN

UPPER CANADA



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B I L L

[AS AMENDED BY THE COMMITTEE]

To provide for the Sale of the Clergy Reserves
in the Province of Upper Canada, and for the
Distribution of the Proceeds thereof.

N. B.—*The Clause marked (A.) was added by the Committee.*

WH^{EREAS} it is expedient to provide for the final dispo-
sition of the Lands called Clergy Reserves, in Upper
Canada, and for the appropriation of the yearly Income arising
or to arise therefrom, for the maintenance of Religion, and the
advancement of Christian Knowledge within the said Province;
BE it Enacted, by The QUEEN's most Excellent MAJESTY,
by and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the Authority of the same, THAT after the passing of this Act, it
shall be lawful for the Governor of the Province of Canada, or for
the Lieutenant-Governor of Upper Canada, by and with the ad-
vice of his Executive Council, and under such regulations as may
be by him from time to time in Council established in that behalf,
and approved by The Queen in Council, to grant, sell, alienate
and convey in fee-simple all or any of the said Clergy Reserves;
and that in the letters patent granting such lands they shall be
designated as Clergy Reserves, and that no reservation of lands
in respect of such grants shall be necessary, notwithstanding any
thing contained in the Act passed in the thirty-first year of the
reign of King GEORGE the Third, intituled, "An Act to repeal cer-
tain Parts of an Act passed in the fourteenth year of his Majesty's
reign, intituled, 'An Act for making more effectual Provision for the

Preamble :

1.
Clergy Re-
serves may be
sold.

31 G. 3, c 31.

Government of the Province of Quebec, in North America,' and to make further Provision for the Government of the said Province: Provided nevertheless, That the quantity of the said Clergy Reserves so to be sold as aforesaid in any one year shall not in the whole exceed One hundred thousand Acres.

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2.
Proceeds of
Sales under
7 & 8 Geo. 4,
c. 62, to be in-
vested in
Colonial Secu-
rities.

And be it Enacted, That the proceeds of all past sales of such Reserves, which have been or shall be invested under the authority of an Act passed in the eighth year of the reign of King GEORGE the Fourth, intituled, "An Act to authorize the Sale of Part of the Clergy Reserves in the Provinces of Upper and Lower Canada," shall be subject to such orders as the Governor in Council shall make for investing in any public securities within the Province of Canada the amount now funded in England, together with the proceeds hereafter to be received from the Sales of all or any of the said Reserves, or any part thereof: Provided always, That the necessary ex-
penses of such Sales shall be borne and defrayed out of the first monies received therefrom.

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3.
Present Pay-
ments to Re-
ligious Bodies
out of Crown
Revenues to
be the first
Charge on the
Fund.

And be it Enacted, That the Interest and Dividends accruing upon such investments of the proceeds of all Clergy Reserves sold or to be sold, and also the Interest to accrue upon Sales on credit of Clergy Reserves, and all Rents arising from Clergy Reserves that have been or may be demised for any term of years, shall be paid to the Receiver-general of the Province of Canada, or such other person as shall be appointed to receive the public revenues of the said Province in Upper Canada, and shall together form an annual fund for the purposes hereinafter mentioned, and shall be paid by him from time to time, in discharge of any warrant or warrants which shall from time to time be issued by the Governor, in pursuance of the provisions of this Act; (that is to say) in the first place, to satisfy all such annual stipends and allowances as have been heretofore assigned and given to the Clergy of the Churches of England and Scotland, or to any other religious bodies or denominations of Christians in Upper Canada, and to which the faith of the Crown is pledged, during the natural lives of the parties now receiving the same: Provided always, That until the annual fund so to be created and deposited with the Receiver-general shall suffice to meet the above-mentioned stipends and allowances, the same, or so much thereof as the said fund may be insufficient to meet, shall be defrayed out of the casual and territorial Revenue of the Crown in the said Province.

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4.
Provision
for the
Churches of
England and
Scotland.

And be it Enacted, That as soon as the said fund shall exceed the amount of the several stipends and allowances aforesaid, and subject always to the prior satisfaction and payment of the same, the said annual fund shall be appropriated as follows; (that is to say) the net interest and dividends accruing upon the investments of the proceeds
of

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of all sales of such Reserves sold before the passing of this Act, shall be divided into Three equal parts, of which Two shall be appropriated to the Church of England and one to the Church of Scotland in Upper Canada ; and the net interest and dividends accruing upon the investments of the proceeds of all sales of such Reserves sold after the passing of this Act, shall be divided into Six equal parts, of which Two shall be appropriated to the Church of England and one to the Church of Scotland in Upper Canada: Provided always, That the amount of the before-mentioned stipends and allowances which shall be paid to and received by any Clergyman of either of the said Churches of England or Scotland, shall be taken, as far as the same will go, as a part of the share accruing to each Church respectively, by virtue of this Act; (that is to say) the stipends and allowances to any Clergyman of the Church of England, as part of the share accruing to the Church of England, and the stipends and allowances to any Clergyman of the Church of Scotland, as part of the share accruing to the said Church of Scotland, so that neither of the said Churches shall receive any further or other sum, beyond such respective stipends and allowances, until the proportion of the said annual fund allotted to them respectively, in manner aforesaid, shall exceed the annual amount of such stipends and allowances.

And be it Enacted, That the share allotted and appropriated to each of the said Churches shall be expended for the support and maintenance of Public Worship, and the propagation of religious knowledge; the share of the said Church of England being so expended under the authority of the " Society for the Propagation of the Gospel in Foreign Parts ;" and the share of the said Church of Scotland under the authority of a Board of Commissioners, to be elected by the Synod of the Presbyterian Church of Upper Canada in connexion with the Church of Scotland.

5.
Application of
the Funds so
allotted.

And be it Enacted, That the share of each of the said Churches shall be paid by the Receiver-general in discharge of any warrant or warrants which shall from time to time be issued by the Governor of the said Province, in favour of the treasurer or other officer who shall be respectively appointed to receive the same by the said Society on behalf of the said Church of England, and by the said Commissioners on behalf of the said Church of Scotland.

6.
How allotted
Funds are to
be paid.

And be it Enacted, That, subject to the foregoing provisions, the residue of the said annual fund shall be applied by the Governor of Canada, with the advice of the Executive Council, for purposes of public worship and religious instruction in Upper Canada.

7.
Residue of
Fund to be
allotted to
other Religious
Bodies.

And be it Enacted, That the Receiver-general, or other person appointed as aforesaid to receive the interest and dividends accruing

8.
CLAUSE (A).
Guarantee of
the sums of
£.7,700 to the
Church of

England, and
£.1,580 to the
Church of
Scotland.

from the investment of the proceeds of all Clergy Reserves sold or to
be sold, shall, on or before the in
every year, deliver to the Governor a certificate in writing, under
his hand, of the net amount which, in that year, will be applicable
to the several Churches of England and Scotland out of the said 5
fund, under the provisions of this Act; and whenever the sum
mentioned in any such certificate to be applicable to the Church
of England shall be less than Seven thousand seven hundred Pounds, or
the sum mentioned in the certificate to be applicable to the Church
of Scotland shall be less than One thousand five hundred and eighty 10
Pounds, the deficiency in each case shall be made good out of the
Consolidated Fund of the United Kingdom of Great Britain and
Ireland, and shall be charged thereupon at the quarter day next
ensuing the receipt of such certificate at the Treasury; and the
Lord High Treasurer or Three or more Commissioners of Her 15
Majesty's Treasury of the United Kingdom of Great Britain and
Ireland shall be authorized by their warrant to direct the issue of the
sums needed to supply such deficiency in the following manner; (that
is to say) such sum as shall be needed to supply the deficiency of
the said sum of Seven thousand seven hundred Pounds to such 20
person or persons as shall be appointed to receive the same by
the Society for the Propagation of the Gospel in Foreign Parts,
and such sum as shall be needed to supply the deficiency of the
said sum of One thousand five hundred and eighty Pounds to such
person or persons as shall be appointed to receive the same by any 25
writing under the hands of any Three or more of the Commissioners
under whose authority the share of the Church of Scotland is to be
expended as aforesaid; and all sums so paid out of the Consolidated
Fund shall be severally applied under the authority of the said
Society and of the last-mentioned Commissioners respectively for 30
the support and maintenance of public worship and the propagation
of religious knowledge in each of the said Churches in Canada.

9.
Accounts of
Expenditure
to be rendered
to Governor
in Council.

And be it Enacted, That Accounts of the expenditure of every sum
of money so to be received out of the said annual fund, or out
of the Consolidated Fund of the United Kingdom of Great Britain 35
and Ireland, by the said Churches of England and Scotland, or
by any other religious body or denomination of Christians respec-
tively, under the authority of this Act, shall be on or before the
Twentieth day of July in each year rendered to the Governor of
the said Province in Council; and that until such Accounts shall 40
have been rendered, and the due and proper expenditure of the
sum granted during any preceding year shall have been esta-
blished to the satisfaction of the Governor of the said Province in
Council, no other or further sum or proportion of the said annual
fund shall be paid or allowed to any or either of the Churches,
religious

religious bodies or denominations of Christians failing, neglecting or refusing to render such account, or to verify the same as aforesaid; and that copies of such Accounts shall annually be laid before the Legislature of the said Province.

5 And be it Enacted, That whenever there shall appear to the Governor of the said Province in Council sufficient reason to apprehend that there has been any misappropriation or non-appropriation of any sum or sums of money paid to any of the said Churches, religious bodies or denominations of Christians, out of
 10 the said annual fund, upon direction for that purpose given by the Governor, it shall be lawful for the Attorney-general of the said Province to apply summarily, either by petition or information, to or in the Court of Chancery in the said Province, setting forth the nature of the abuse apprehended, and praying discovery and relief
 15 in the premises, as the nature of the case may require; and that if any Five or more persons having an interest in the sum or sums paid to any of the said Churches, religious bodies or denominations of Christians, shall complain of any neglect or abuse in the expenditure or management of such sum or sums, it shall be lawful for them to
 20 apply to the said Court of Chancery, by petition, in a summary manner, for discovery or relief, as the nature of the case may require; and that in all and every such case the decree or order of the Vice-chancellor of the said Court shall be final, unless appealed from within Forty Days.

10.
Summary
Remedy for
misapplication
of Fund.

25 And be it Enacted, That in this Act the word "Governor" shall be taken to mean and include the Governor, Lieutenant-Governor or person administering the Government of the said Province.

11.
Meaning of
"Governor."

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

12.
Act may be
amended, &c.

Clergy Reserves (Canada).

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B I L L

[AS AMENDED BY THE COMMITTEE]

To provide for the Sale of the Clergy Reserves
in the Province of Upper Canada, and for
the Distribution of the Proceeds thereof.

(Prepared and brought in by
Lord John Russell, Sir George Grey,
Mr. Labouchere, and Mr. Vernon Smith.)

Ordered, by The House of Commons, to be Printed,
16 July 1840.
